

REMARKS

In the action of September 11, 2008, the examiner rejected claims 1-9 under 35 U.S.C. § 102 as being anticipated by Beer.

Claims 1 and 6 have now been amended to clarify that the spout element 26 is constructed to permit exit of fluid from the container after it has been filled. The "spout element" referred to by the examiner in Beer is an opening 38 which is heat sealed via a linear seal 46 after the package has been filled. Opening 38 is not constructed to permit exit of fluid from the container after it has been filled. Hence, package 20 of Beer would be completely unusable in a personal care appliance since there is no structure to dispense fluid from the sealed package. Accordingly, claims 1 and 6 are both patentable over Beer.

In addition, note that claim 6 recites specifically that the top end of the container includes two sealed wing portions on either side of a central portion, with the wing portions extending above the remainder of the bag. This is not true for Beer, as upper end 22 of the package is a straight line which extends across the entire width of the package. Hence, claim 6 is patentable over Beer for that reason as well.

Also note new claims 10 and 11, which are dependent upon claims 1 and 6, respectively. Claims 10 and 11 specify a valve in the spout to permit exit of fluid from the container after it has been filled. There is no such valve structure present or suggested in Beer.

Since claims 2-5 are dependent upon claim 1, and claims 7-9 are dependent upon claim 6, those claims are also allowable. In view of the above, allowance of the application is now respectfully requested.

Respectfully submitted,

JENSEN & PUNTIGAM, P.S.

By Clark A. Puntigam
Clark A. Puntigam, #25,763
Attorney for Applicant

CAP:rm1